State of Idaho
Department of Water Resources

Water Right License

Water Right No. 96-11601

Priority: June 16, 2022 **Maximum Diversion Rate:** 0.01 CFS

It is hereby certified that:

TODD SUDICK 1817 RIVERSIDE RD PRIEST RIVER ID 83856-8727

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 16, 2022, and has submitted Proof of Beneficial Use on July 21, 2023. An examination confirms water is diverted from:

Source : PEND OREILLE RIVER **Tributary:** COLUMBIA RIVER

Beneficial Use	Period of Use	Rate of Diversion
IRRIGATION	04/1 to 10/31	0.01 CFS

Location of Point(s) of Diversion
PEND OREILLE RIVER L2 (NE¼ SW¼), Sec. 27, Twp 56N, Rge 05W, B.M. BONNER County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	05W	27									0.1 L2								0.1

Total Acres: 0.1

Conditions of Approval

1. This right when combined with all other rights shall provide no more than 0.01 cfs nor more than 0.3 afa at the field headgate for irrigation of the place of use.
2. Point of diversion is located within Lot 16B Replat, Whispering Water Tracts Subdivision.
3. Place of use is located within Lot 16B Replat, Whispering Water Tracts Subdivision.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 14th day of August, 2023.

PHILL HUMMER
Water Rights Supervisor

SCANNED
AUG 2 2 2023

State of Idaho
Department of Water Resources

Attachment to Water Right

96-11601

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.035 0.07 0.14 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

N

SCANNED
AUG 2 2 2023

Form 42-217 Rev. 6/22

RECEIVED
JUL 21 2023
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee $	50.
Receipt No.	C116771
Receipted By	
Date Receipted	7-21-23

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 96-11601 Name of Permit Holder(s) TODD & PATRICIA SUDICK

Telephone No. 208-448-2407 Email TSUDICK@NETW.COM

Mailing Address 1817 RIVERSIDE RD City PRIEST RIVER State ID Zip 83856

2. Source of Water PEND OREILLE RIVER If Ground Water (well), Date Drilled mo. — / yr. —

Drilling Permit/Tag No. — Drilling Company's Name —

3. Extent of use(s) completed **as authorized by the water right permit**:

Domestic (No. households) — Irrigation (No. acres) 5 Stockwater (No. and stock type) —

Other

4. Total diversion rate or volume (storage only) for which proof is submitted 0.12 cfs OR _____ af

If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

PUMP PICKUP IN RIVER SEE ENCLOSED PHOTO

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required?	Yes	No	(If "Yes", attach required data, evidence of compliance, or evidence of installation)
☐	☐	☒	Ground water level data, pumping information, or other diversion data
☐	☐	☒	Mitigation plan
☐	☐	☒	Lockable controlling works
☐	☐	☒	Measuring device
☐	☒	☐	Fish screen
☐	☐	☒	Other requirements of the water right permit
	☐	☒	Reasonably Anticipated Future Needs ("RAFN") Municipal use

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed $ 50.00 or ☐ CWRE field report attached or ☐ No fee required

See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: TODD SUDICK Telephone No. 208 448-2407 Email TSUDICK@NETW.COM

Mailing Address 1817 RIVERSIDE RD City PRIEST RIVER State ID Zip 83856

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

T Sudick — TODD SUDICK OWNER — 18 JUL 23

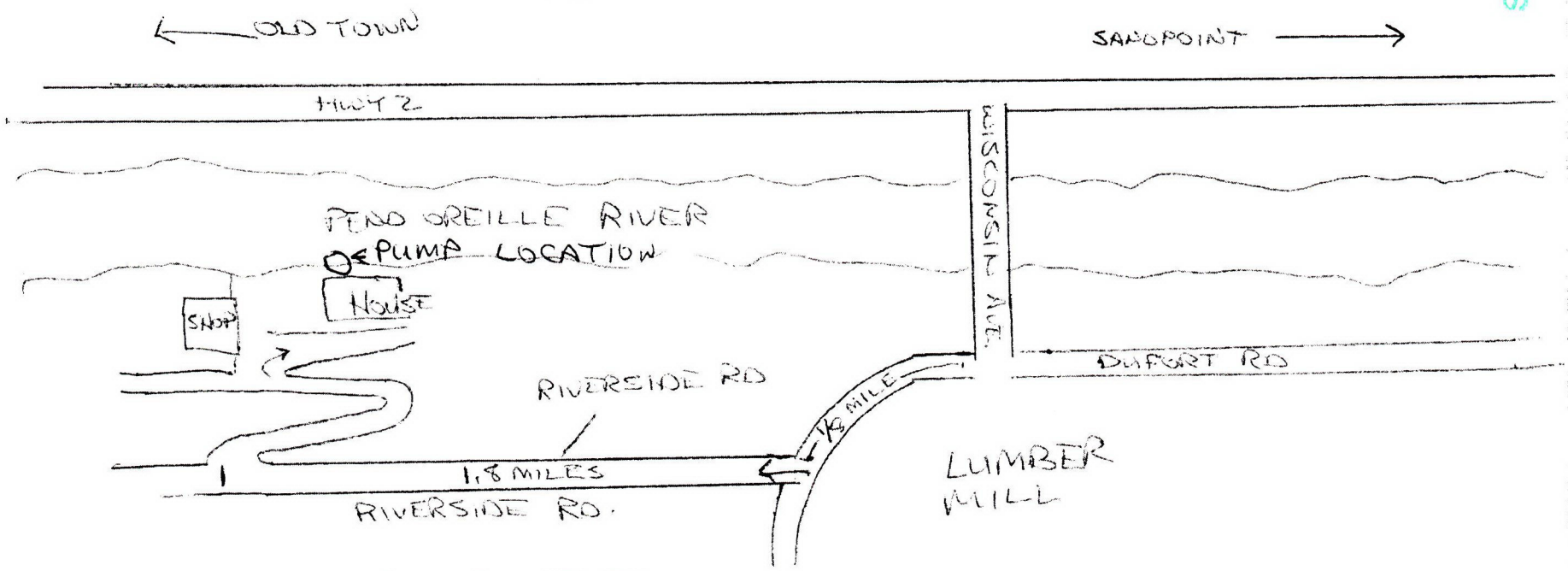
SIGNATURE OF PERMIT HOLDER* PRINTED NAME AND TITLE DATE

*Attach power of attorney if completing on behalf of permit holder.

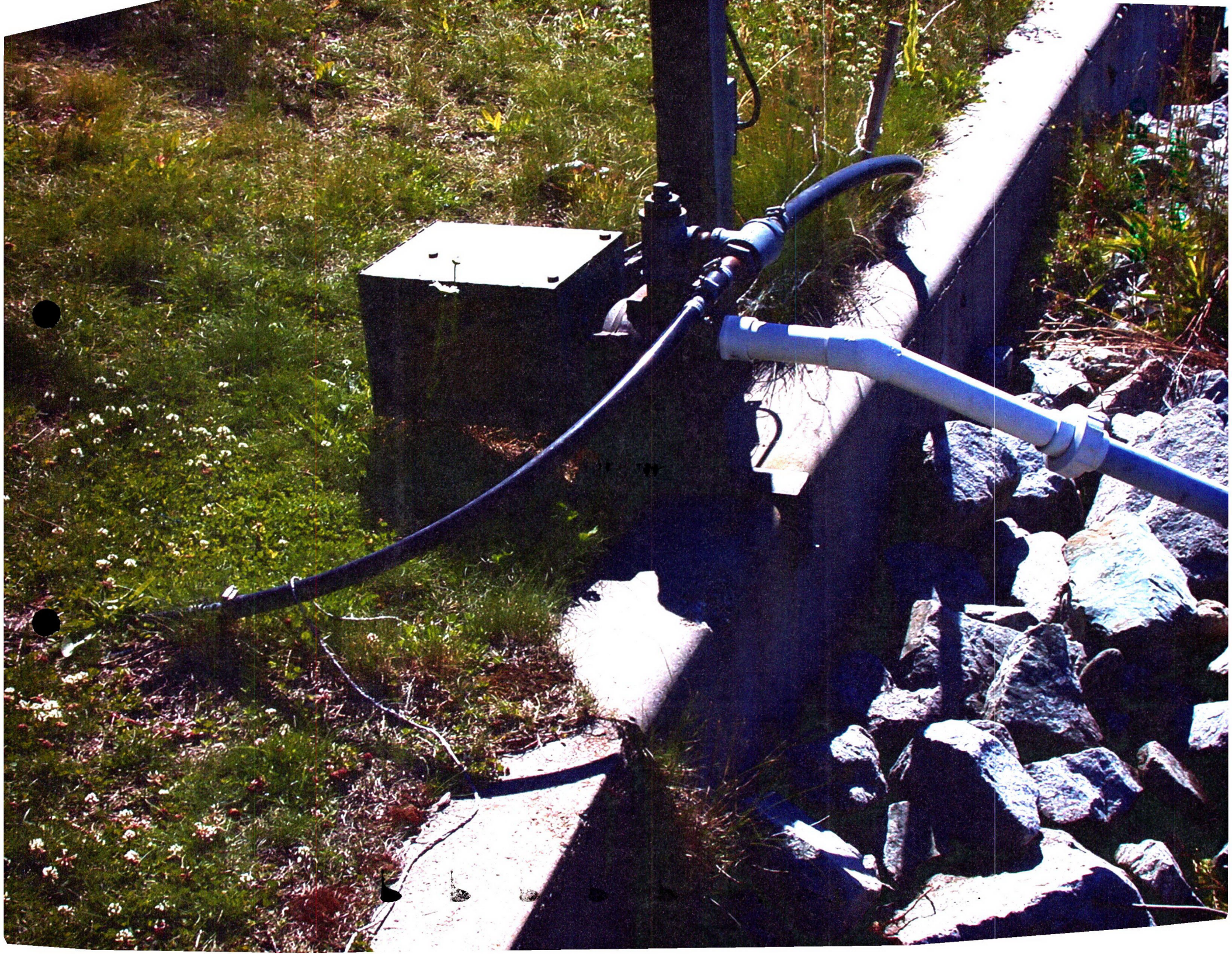
SCANNED
AUG 22 2023

SCANNED
AUG 22 2023

PRIEST RIVER



TURN RIGHT ON
RIVERSIDE RD - GO 1.8 MILES
TO MAILBOX WITH
1817 ON IT
208 448 2407



State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 96-11601

Priority: June 16, 2022 **Maximum Diversion Rate:** 0.02 CFS

This is to certify that

TODD SUDICK 1817 RIVERSIDE RD PRIEST RIVER ID 83856-8727

has applied for a permit to appropriate water from:

Source : PEND OREILLE RIVER **Tributary:** COLUMBIA RIVER

and a permit is APPROVED for development of water as follows:

Beneficial Use	**Period of Use**	**Rate of Diversion**
IRRIGATION	04/1 to 10/31	0.02 CFS

Location of Point(s) of Diversion

PEND OREILLE RIVER L2 (NE¼ SW¼), Sec. 27, Twp 56N, Rge 05W, B.M. BONNER County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	05W	27									5.1 L2								5.1

Total Acres: 5.1

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2023.**
2. Subject to all prior water rights.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
4. Point of diversion is located within Lot 16B Replat, Whispering Water Tracts Subdivision.
5. Place of use is located within Lot 16B Replat, Whispering Water Tracts Subdivision.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 31st day of August, 2022.

Adam Frederick

ADAM FREDERICK
Water Rights Supervisor

SCANNED
SEP 0 2 2022

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-11601

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

0 0.035 0.07 0.14 Miles

N

SCANNED
SEP 0 2 2022

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 22, 2023

TODD SUDICK
1817 RIVERSIDE RD
PRIEST RIVER ID 83856-8727

RE: License No. 96-11601

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4925.

Sincerely,

Jean Hersley

For
Phill Hummer
Water Rights Supervisor

Enclosure(s)

SCANNED
AUG 2 2 2023

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2023, I served a true and correct copy of Water Right License No. 96-11601 by U.S. Mail, postage prepaid, to the following:

TODD SUDICK (Current Owner)
1817 RIVERSIDE RD
PRIEST RIVER ID 83856-8727

Jean Hersley
Technical Records Specialist 2

SCANNED
AUG 2 2 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

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AUG 2 2 2023

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Exam Date: 8/3/2023

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? X Y ____N
   a. X Irrigation of 5 acres or less
   b. ____ Storage of up to 14.6 AF for stockwater purposes only
   c. ____ Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
   d. ____ Other < >

2. Current Owner: Todd and Patricia Sudick
   Owner of Record Correct? _____N
   Address of Record Correct? _____N
   If No Explain: N/A

3. Beneficial Use Fees have been paid: X Y ____N Receipt No: C116771

4. Source: Pend Oreille River
   Tributary: Columbia River

   Method of Determination:
   Change in Source: ____Y X N

B. OVERLAP REVIEW

1. Other water rights with the same place of use: X No Overlap

Water Right No.	Source	Purpose of Use	Basis
96-7986			

Comments: Water right 96-7986 place of use overlaps the proposed POU. However, 96-7986 diverts from a different source and the water right backfile confirms there is no overlap.

2. Other water rights with the same point of diversion: X NO Overlap

Water Right No.	Source	Purpose of Use	Basis
N/A			

Comments: N/A

C. DIVERSION AND DELIVERY SYSTEM

1. Location of Point(s) of Diversion:

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Pend Oreille River	2		NE	SW	27	56N	05W	B.M.	Bonner
								B.M.	
								B.M.	

Method of Determination: GIS, Tax Parcel Data, 2022 Bonner County Aerial Imagery, and a photograph sent by the permit holder.

Change in POD? ___Y X N Amendment Required? ____Y X N

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AUG 2 2 2023

2. Place of Use:

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	05W	27									0.1								0.1
		Lot #									2								N/A
																Total Acres =			0.1

Method of Determination: GIS, Tax Parcel Data, 2022 Bonner County Aerial Imagery, and a phone conversation with the permit holder on August 2nd, 2023.

Change in POU? ____Y __X__N Amendment Required? ____Y __X__N

___ Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable:

_X__ Aerial Photo Attached (required for irrigation of 10+ acres).

___ Photo of Diversion and System Attached

3. Diversion Id No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A					

**Code to correspond with No. on map and aerial photo*

D. FLOW MEASUREMENTS

1. Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurement Comments: The permit holder did not provide pump horsepower. Therefore, a diversion rate calculation is not possible.

E. FLOW CALCULATIONS ___Additional Computation Sheets Attached

Measured Method: Since the permit holder did not provide a pump horsepower a diversion rate calculation is not possible. According to Administrative Processing Memo #17 the standard diversion rate/acre for the irrigation of 5 acres or less is 0.03 cfs/acre, (0.1 acres) *(0.03 cfs/acre) = 0.003 cfs or 0.01 cfs rounded. The permit authorized 0.02 cfs. I am recommending 0.01 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = (0.1 acres) *(3 af/acre) = 0.3 af

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation season) x 1.9835 = (0.01 cfs) *(214 days) *(1.9835 af/day) = 4.2 af

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 0.3 af

Comments: This permit authorizes irrigation diverting from a stream/river. According to the IDAPA Beneficial Use Examination Rule 35.03.02.35. 01j.viii a diversion volume is not required for irrigation diverting from a stream/river or spring.

SCANNED
AUG 2 2 2023

G. PURPOSE OF USE

Irrigation X Y ___N # Stock N/A Domestic # of Homes N/A

Other: < >

Change in Purpose of Use? ___Y X N

Method of Determination: GIS, Tax Parcel Data, 2022 Bonner County Aerial Imagery and a phone conversation with the permit holder on August 2nd, 2023.
If Yes: From Use _____To Use _____Amount _____CFS _____AFA_____

H. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-office examination. According to Tax Parcel Data the property was developed in 1981. The permit authorizes 5.1 acres of irrigation. However, 2022 Bonner County Aerial Imagery indicated 0.1 acres of irrigation occurred near the home. This was confirmed by the permit holder in a phone conversation on August 2nd, 2023. 2022 Bonner County Aerial Imagery also confirmed, along with a photograph provided by the permit holder, the location of the point of diversion. The permit holder confined on their Statement of Completion for Proof of Beneficial Use a fish screen was installed that meets the fish screening and passage requirements of the Idaho Department of Fish and Game.

Since the permit holder did not provide a pump horsepower a diversion rate calculation was not possible. The standards set in Administrative Processing Memo #17 was used to make a diversion rate recommendation. Since the permit authorizes irrigation diverting from a natural stream/river a diversion volume is not required under the IDAPA Beneficial Use Examination Rule 35.03.02.35.01j. viii. All of the conditions have been met and it has been confirmed a beneficial use was developed within authorization on the permit. Therefore, I am recommending a 0.01 cfs diversion rate.

Conditions X59, X60, and 01M should remain on the license. Condition R62 should be changed to X31 because irrigation is less than one acre. Condition 029 should be removed because the permit holder installed a fish screen that meets the fish screening and passage requirements of the Idaho Department of Fish and Game. Condition 004 should be removed because it has been confirmed there are no legal access concerns to the POD or POU. All other conditions should be removed as standard with licensing.

Have conditions of permit approval been met? X Yes ___No

I. RECOMMENDATIONS

1. Recommended Amounts:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE
Irrigation	04/01-10/31	0.01 CFS
	Totals:	0.01 CFS

2. Recommended Amendments:

___Change P.D. as reflected above ___Add P.D. as reflected above X None

___Change P.U. as reflected above ___Add P.U. as reflected above X None

Other: < >

J. AUTHENTICATION Skyler Cheever – Water Resource Agent

Field Examiner's _____ Date 8/3/2023

Reviewer _____ Date 8/14/23

SCANNED
AUG 22 2023

Field Exam Map

Map showing the authorized point of diversion (yellow point) and place of use (orange outline).

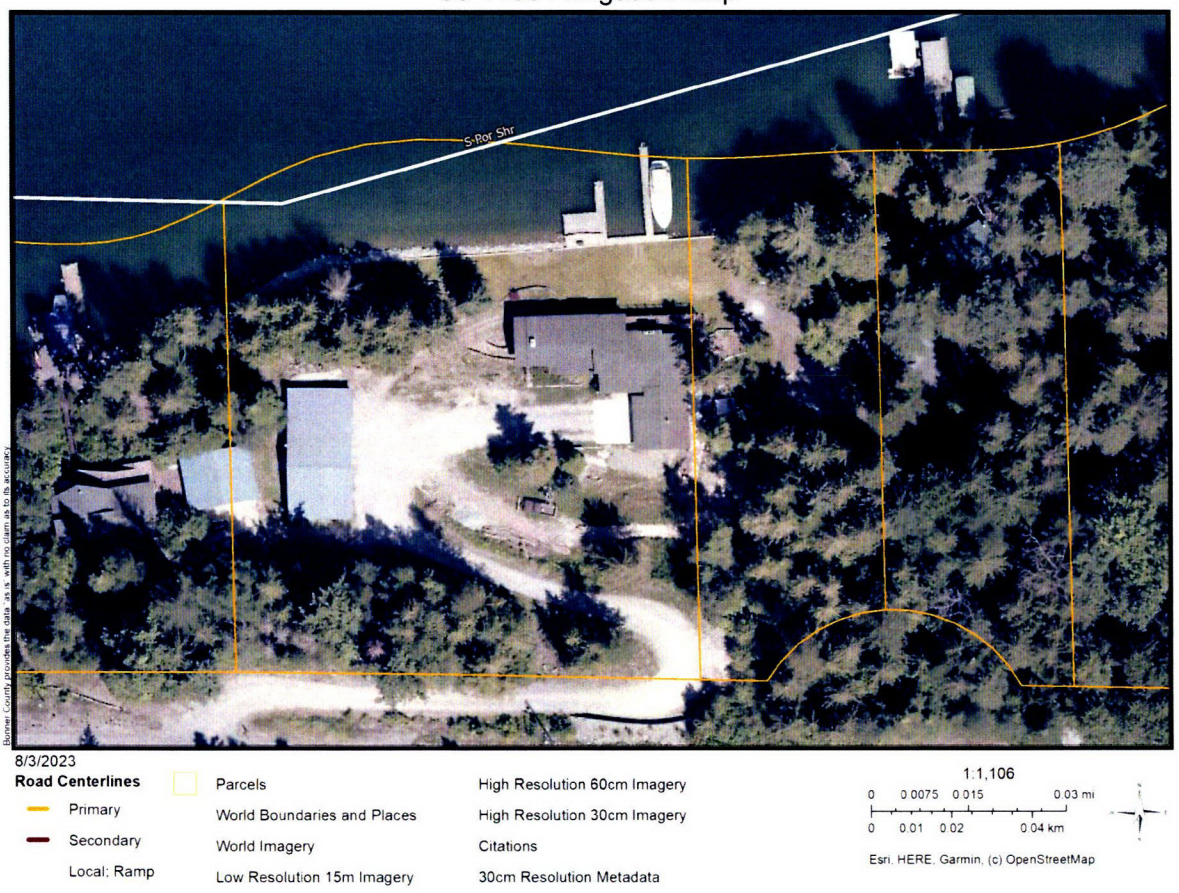


SCANNED
AUG 2 2 2023

Irrigation Map

2022 Bonner County Aerial Imagery confirming the irrigation of 0.1 acres and the location of the point of diversion.

96-11601 Irrigation Map



SCANNED
AUG 2 2 2023

Beneficial Use Proof Evaluation

Permit Number: 96-11601 Reviewer: AVeibell Review Date: 7/25/2023

Acceptability

1) Is the contact on the request the current permit holder? Yes
2) Does the address of record need to be updated? No
3) Proof Submitted Date: 7/21/2023
4) Proof Due Date: 9/1/2023
5) Days added for weekend due date?
6) Days added for holiday due date?
7) Number of days late: -42
8) Proof received timely? Yes

Analysis

1) Are the water uses correct? Yes
2) Are one of the following items required?
    a. Measuring Device -- No
    b. Lockable Device --No
    c. Fish Screen -- No
3) Are the required items installed? Yes
    a. Measuring Device -- No
    b. Lockable Device --No
    c. Fish Screen -- Yes
4) Is there a request to waive the required items? No
5) Drilling Permit Number:
6) Is a drilling permit upgrade needed? No
7) Was a well drillers report filed? No
8) Is proof accepted? Yes

Fees

1) Is a licensing exam fee required? Yes
2) Was proof submitted with an exam report from a CWE? No
3) Filing fee due: $50.00
4) Filing fee submitted: $50.00
5) Remaining fee or (refund): $0.00

Receipt IDs

N040074

Comments

Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 30, 2023

TODD SUDICK
1817 RIVERSIDE RD
PRIEST RIVER ID 83856-8727

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 96-11601

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holder(s):

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before **September 01, 2023**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a $50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this department on or before the above proof due date. If neither is received, the department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Water Rights Section

Enclosure(s)

CERTIFIED MAIL
7021 1970 0000 0024 4779
NO

SCANNED
JUL 03 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 01, 2022

TODD SUDICK
1817 RIVERSIDE RD
PRIEST RIVER ID 83856-8727

RE: Permit No. 96-11601

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

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SEP 0 2 2022

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact the Northern Region Office at (208) 762-2800.

Sincerely,

Adam Frederick

Adam Frederick
Water Rights Supervisor

Enclosure(s)

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CERTIFICATE OF SERVICE

I hereby certify that on September 01, 2022, I served a true and correct copy of Permit to Appropriate Water No. 96-11601 by U.S. Mail, postage prepaid, to the following:

TODD SUDICK (Current Owner)
1817 RIVERSIDE RD
PRIEST RIVER ID 83856-8727

Tammy Alleman
Administrative Assistant 1

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EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

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SEP 0 2 2022

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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AFFIDAVIT OF PUBLICATION

RECEIVED
AUG 0 1 2022
IDWR / NORTH

STATE OF IDAHO)
) ss.
County of Bonner)

Italia Jimenez, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Public Notice.
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 20th day of July, 2022, and ending on the 27th day of July, 2022.

Italia Jimenez

State of Idaho, county of Bonner ss.
On this 27th day of July, in the year of 2022 before me, Katrina George, Notary Public, personally appeared Italia Jimenez known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Katrina George
Notary Public
Residing at: Kootenai County

My Commission Expires 8/29/23

KATRINA GEORGE NOTARY PUBLIC COMM. NO. 58374 STATE OF IDAHO

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SEP 0 2 2022

Public Notice

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

96-11601
TODD SUDICK
1817 RIVERSIDE RD
PRIEST RIVER, ID 83856-8727
Point of Diversion L2(NESW)
S27 T56N R05W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
04/1 to 10/31
Total Diversion: 0.02 CFS
Date Filed: 06-16-2022
Place Of Use: IRRIGATION
T56N R05W S27 L2(NESW)
Total Acres: 5.1

96-11810
DANIEL R JR SHEPARD
437 SAILORS LN
PRIEST RIVER, ID 83856-6704
Point of Diversion L4(SENE)
S29 T56N R05W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 06-27-2022
Place Of Use: IRRIGATION
T56N R05W S29
L4(NESE),L4(SENE)
Total Acres: 1

96-11825
OLD LOG CABIN LLC
C/O LEO LANGLOIS
PO BOX 22710
BAKERSFIELD, CA 93390-2710
Point of Diversion SWNW
S10 T54N R04W
BONNER County
Source GROUND WATER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.8 CFS
Date Filed: 06-23-2022
Place Of Use: IRRIGATION
T54N R04W S10
NWNW,SWNW
Total Acres: 40

97-8878
TERRY J WATTS
EILEEN A WATTS
PO BOX 1262
PRIEST RIVER, ID 83856-1262
Point of Diversion NWSE
S18 T56N R04W
BONNER County
Source GROUND WATER
Point of Diversion NWSE
S18 T56N R04W
BONNER County
Source GROUND WATER
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: IRRIGATION
04/01 to 10/31 0.2 CFS
Use: DOMESTIC
01/01 to 12/31 0.06 CFS
Total Diversion: 0.2 CFS
Date Filed: 06-22-2022
Place Of Use: DOMESTIC,IRRIGATION,STOCKWATER
T56N R04W S18 NWSE
Place Of Use: IRRIGATION,STOCKWATER
T56N R04W S18
SWNE,SENE,NESE,SESE
Total Acres: 18

97-8
LAINE MC GEE
MARY KATE MC GEE
30021 10TH AVE SW
FEDERAL WAY, WA 98023-8207
Point of Diversion L4(SWNW)
S10 T62N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: FIRE PROTECTION
01/01 to 12/31 0.2 CFS
Use: IRRIGATION
04/01 to 10/31 0.03 CFS
Total Diversion: 0.2 CFS
Date Filed: 06-23-2022
Place Of Use: FIRE PROTECTION,IRRIGATION
T62N R04W S10 L4(SWNW)
Total Acres: 0.3

97-8926
PEARSON ZAPPETTINI TRUST & PEARSON
735 ARROYO CT
LAFAYETTE, CA 94549-5311
Point of Diversion L5(NWSW)
S27 T61N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-27-2022
Place Of Use: DOMESTIC
T61N R04W S27 L5(NWSW)

97-8934
CATHERINE KLINGEL
A BARCLAY KLINGEL
112 W HIGH DR
SPOKANE, WA 99203-1519
Point of Diversion SENW
S3 T61N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: IRRIGATION
04/01 to 10/31 0.03 CFS
Use: FIRE PROTECTION
01/01 to 12/31 0.2 CFS
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.2 CFS
Date Filed: 06-27-2022
Place Of Use: DOMESTIC,FIRE PROTECTION,IRRIGATION
T61N R04W S3
L2(SWNE),L2(SENW)
Total Acres: 0.9

97-8940
GORDON HUDSON
9307 E PRINCETON AVE
SPOKANE, WA 99206-4461
Point of Diversion L4(NESW)
S12 T60N R05W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: IRRIGATION
4 /1 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 06-28-2022
Place Of Use: IRRIGATION
T60N R05W S12 L4(NESW)
Total Acres: 0.4

97-8960
TERRY W JOHNSON
CHARLENE J JOHNSON
PO BOX 455
PRIEST RIVER, ID 83856-0455
Point of Diversion SENW
S23 T57N R05W
BONNER County
Source GROUND WATER
Use: IRRIGATION
04/01 to 10/31 0.09 CFS
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.15 CFS
Date Filed: 06-28-2022
Place Of Use: DOMESTIC,IRRIGATION,STOCKWATER
T57N R05W S23 SENW
Total Acres: 3

97-8984
ADNAN Z RIZVI
ANN K SELTMAN
KENT D SELTMAN
8102 S HANGMAN VALLEY RD
SPOKANE, WA 99224-9673
Point of Diversion NENE
S9 T61N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 05-31-2022
Place Of Use: DOMESTIC
T61N R04W S9 L1(NENE)

97-9005
STEVEN D PRATT
LYNN K PRATT
2501 SW RAVENSVIEW DR
PORTLAND, OR 97201-1789
Point of Diversion NESW
S27 T62N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 05-31-2022
Place Of Use: IRRIGATION
T62N R04W S27
NESW,NWSE,L3(NESW),L3(NWSE)
Total Acres: 0.9

97-9084
LANGLEY PROPERTIES LLC
PO BOX 139
COOLIN, ID 83821-0139
Point of Diversion NWNW
S15 T59N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-22-2022
Place Of Use: DOMESTIC
T59N R04W S15 NWNW

97-9095
STEVEN DURBIN
PO BOX 551
PRIEST RIVER, ID 83856-0551
Point of Diversion L1(SWSESE)
S21 T56N R05W
BONNER County
Source SPRING
Tributary SINKS
Point of Diversion L1(SESE)
S21 T56N R05W
BONNER County
Source UNNAMED STREAM
Tributary SINKS
Use: DIVERSION TO STORAGE
01/01 to 12/31 0.2 CFS
Use: RECREATION
01/01 to 12/31 0.2 CFS
Use: RECREATION STORAGE
01/01 to 12/31 2.7 AF
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 2.7 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 9 AF
Use: IRRIGATION FROM STORAGE
04/01 to 10/31 9 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 0.3 AF
Use: STOCKWATER FROM STORAGE
01/01 to 12/31 0.3 AF
Total Diversion: 0.2 CFS
Date Filed: 06-30-2022
Place Of Use: DIVERSION TO STORAGE,FIRE PROTECTION STORAGE,IRRIGATION FROM STORAGE,IRRIGATION STORAGE,RECREATION,RECREATION STORAGE,STOCKWATER FROM STORAGE,STOCKWATER STORAGE
T56N R05W S21 L1(SESE)

97-9096
STEVEN DURBIN
PO BOX 551
PRIEST RIVER, ID 83856-0551
Point of Diversion L1(SWSESE)
S21 T56N R05W
BONNER County
Source SPRING
Tributary SINKS
Point of Diversion L1(SESE)
S21 T56N R05W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: IRRIGATION
04/01 to 10/31 0.12 CFS
Total Diversion: 0.18 CFS
Date Filed: 06-30-2022
Place Of Use: DOMESTIC,IRRIGATION,STOCKWATER
T56N R05W S21 L1(SESE)
Total Acres: 4

97-9129
DONALD HOWELL
72 W PARKWOOD
NORDMAN, ID 83848-9745
Point of Diversion NENE
S20 T61N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.06 CFS
Date Filed: 07-07-2022
Place Of Use: IRRIGATION
T61N R04W S17
SESE,L1(SESE)
Total Acres: 2.5

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Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of $25.00 for each application on or before 8/8/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Published on 7/20/2022 and 7/27/2022
Legal#4358
AD#546752
July 20, 27, 2022

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